

## **R307-405**

**2. Title:** Permits: Major Sources in Attainment or Unclassified Areas (PSD).

**3. Type of notice:** Amend

**4. Purpose of the rule or reason for the change:**

The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into R307-405. The purpose of the change is to update the incorporation by reference to the most recent version of the CFR, dated July 1, 2007.

**6. Summary of rules changes:**

The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into R307-405. This amendment updates the incorporation by reference to the most recent version of the CFR, dated July 1, 2007. The rule has been changed so that a single reference in R307-405-2 will apply to the entire rule rather than repeating the date in each subsection. This change will simplify future updates to the incorporation by reference date. The following update to 40 CFR 52.21 will be included. June 13, 2007 – EPA removed the pollution control project and clean unit provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005. The change was effective immediately. These provisions were already excluded from Utah's incorporation by reference so this is not a substantive change. R307-405 has been changed to remove the exclusions from the incorporation by reference because they are no longer needed.

**7. Summary of costs**

**A. To State Budget**

No costs or savings are expected because the cost of DAQ's activities in issuing approval orders under R307-405 are covered by fees paid by the sources.

**B. To Local Government**

Because the amendment does not create new requirements for sources owned or operated by local government, no change in costs is expected for other persons.

**C. Small businesses (fewer than 50 employees) AND persons other than businesses:**

Small Businesses: Because the amendment does not create new requirements for sources, no change in costs is expected for small business. Other Persons: Because the amendment does not create new requirements for sources, no change in costs is expected for other persons.

**8. Compliance costs for affected persons:**

Because the amendment does not create new requirements for sources, no change in costs is expected for affected persons.

**9. Comments by the Dept head on the fiscal impact the rule may have on businesses:**

No change in costs is expected for businesses, because the amendment does not create new requirements for sources (Richard W. Sprott, Executive Director, Department of Environmental Quality)

**10. Authorizing statute:** 19-2-104

**11. Materials incorporated by reference?** 40 CFR 52.21, 40 CFR 52.01, 40 CFR 51.166

**12. Public comment and hearing info:** A public hearing will be held if requested by October 15, 2007.

**13. May become effective on:** January 4, 2008

**14. Keywords:** air pollution, PSD, Class I area